

6997. Adulteration and misbranding of King's A-B-D-G Capsules. U. S. v. 42 Dozen Packages of King's A-B-D-G Capsules. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10377. Sample No. 6885-F.)

LIBEL FILED: August 7, 1943, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 1 and April 4, 1943, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 42 dozen packages, each containing 250 vitamin capsules, at St. Louis, Mo.

Examination showed that the product was 25 percent deficient in vitamin B₁.

VIOLATIONS CHARGED: Adulteration, Section 402 (b)(1), a valuable constituent, vitamin B₁, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Vitamin B₁—Thiamin Chloride 1 mg.—333 U. S. P. Units * * * Enclosed in a gelatine capsule" and "One capsule daily provides the minimum adult daily requirement of Vitamin B₁," were false and misleading since the article did not contain the stated amount of vitamin B₁, and one capsule daily would not provide the minimum adult daily requirement of vitamin B₁; and, Section 403 (f), the mandatory label statements required by the regulations concerning its vitamin properties were not placed on the label with sufficient prominence (as compared with other words, statements, designs, or devices on the label) to render them likely to be read by the ordinary individual under customary conditions of purchase or use, since they appeared inconspicuously on the back of the package.

DISPOSITION: May 17, 1944. The American Pharmaceutical Co., Inc., claimant, having admitted the allegations of misbranding in the libel, judgment of condemnation was entered and the product was ordered released under bond, to be repackaged and brought up to the declared vitamin potency under the supervision of the Food and Drug Administration.

6998. Misbranding of liver, iron, and vitamin B₁ capsules. U. S. v. 3 Cartons of Liver, Iron, and Vitamin B₁ Capsules, and 197 Bottles of Zillifer B Capsules. Default decree of condemnation and destruction. (F. D. C. No. 12682. Sample No. 81646-F.)

LIBEL FILED: June 13, 1944, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1943, by the Freshman Vitamin Co., from Detroit, Mich.

PRODUCT: 3 cartons, each containing 10,000 liver, iron, and vitamin B₁ capsules, and 197 bottles, each containing 100 capsules, at Flushing, Long Island, N. Y.

The product had been shipped in cartons, and a portion had been repackaged by the consignee into bottles.

LABEL, IN PART: (When shipped) "Formula 57 Liver, Iron & Vitamin B₁ Capsules"; (portion repacked) "Zillifer B Capsules."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), when introduced into interstate commerce, the article purported to be a food for special dietary uses by man, by reason of its vitamin B₁ and iron content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin B₁ and iron supplied by a specified quantity of the article when consumed during a period of 1 day.

DISPOSITION: August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6999. Adulteration and misbranding of Patten's Vitamin and Mineral Tablets. U. S. v. 15,000 Patten's Vitamin and Mineral Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12273. Sample No. 70978-F.)

LIBEL FILED: On or about May 2, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about February 8, 1944, by Patten Concentrates, Inc., from Burbank, Calif.

PRODUCT: 15,000 of the above-named tablets at Portland, Oreg.

Examination showed that the article was 27½ percent deficient in phosphorus, 40 percent deficient in vitamin A, 90 percent deficient in vitamin C, and 18 percent deficient in nicotinic acid.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, phosphorus, vitamin A, vitamin C, and nicotinic acid had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statements on the label, "'A' 5000 U. S. P. Units * * * 'C'—600 U. S. P. Units * * * Niacin—10000